

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:22-00091

LESLIE RUSSELL BURNEY

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of the defendant Leslie Russell Burney for a continuance of the trial in this matter. (ECF No. 68.) Counsel for defendant explains that additional time is needed for counsel to review and react to the court's ruling on his motion to suppress. The government does not object to a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).

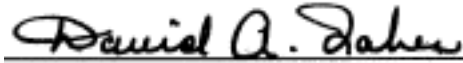
Accordingly, the court hereby **ORDERS** as follows:

1. Jury Instructions and Proposed Voir Dire are due by
August 22, 2023;
2. Trial of this action is continued to **August 29, 2023,**
at 9:30 a.m. in Charleston; and
3. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from
the filing of the motion until the trial is excludable
for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum
Opinion and Order to all counsel of record, to the United States
Marshal for the Southern District of West Virginia, and to the
Probation Office of this court.

IT IS SO ORDERED this 21st day of July, 2023.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge